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Date: July 1, 2004

Wilburn Liddell, Jr.

#13

PATENT  
411874-4 (Formerly MGANO.010A)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: PALATOV et al.

Serial No.: 09/506,261

Filed: February 17, 2000

Title: VIDEO CONTENT DISTRIBUTION  
SYSTEM INCLUDING AN INTERACTIVE  
KIOSK, A PORTABLE CONTENT STORAGE  
DEVICE, AND A SET-TOP BOX

Art Unit: 2611

Examiner: Hai V. Tran

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OFFICE OF PETITIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.137(b), Applicants respectfully petition to revive the above-identified patent application. The above-identified application became abandoned for failure to submit a timely response to the second, non-final Office Action dated July 31, 2002.

The entire delay in filing the required response from the due date for the required response until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

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To demonstrate how the delay in filing a grantable petition under 37 C.F.R. § 1.137 (b) was unintentional, a brief description of the chronology of events relating to the above-identified application is provided. The present application was filed on February 17, 2000. In May 2000, the present application was assigned by the named inventors to Minds@Work. This assignment was recorded in the United States Patent and Trademark Office on July 20, 2000. The prosecution of the present application included two office actions. The second, but non-final Office Action was mailed July 31, 2002, with an extended period of reply until January 31, 2003. During the pendency of the second Office Action, in December, 2002, Minds@Work revoked the power of attorney to its former patent counsel, Knobbe, Martens, Olson, and Bear LLP, and changed the correspondence address with the Patent and Trademark Office to the business address for Minds@Work. Unfamiliar with the handling of patent matters, Minds@Work lost track of and missed the deadline for filing a response to the Office Action.

In March, 2003, Minds@Work declared bankruptcy, and on March 22, 2003, issued an assignment of all assets, including the present application, for the benefit of creditors to Steven M. Spector as trustee. Then, in May, 2003, the former Minds@Work assets, including the present application, were sold to Total Micro Technologies, Inc. Both of these subsequent assignees were apparently unaware of their ability to update their correspondence addresses with the Patent and Trademark office: at no point was the correspondence address for the present application updated with the Patent and Trademark Office to reflect these two assignments.

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Presumably at some point after January, 2003, a Notice of Abandonment was mailed in the present application for failure to reply to a non-final office action. Since as noted above, no change of correspondence addresses were filed in either of the assignments of the present application, this Notice of Abandonment never reached Total Micro Technologies, then the owner of the present application. In May, 2004, Intelligent Technologies, Inc. recorded its purchase of several former Minds@Work patent applications, including the present application, from Total Micro Technologies. Intelligent Technologies, Inc. promptly hired O'Melveny & Myers LLP to assess the status of the purchased patent applications, including the present application. In May 2004, Intelligent Technologies, Inc. learned that the present application was considered abandoned.

Therefore, in light of the above circumstances, Applicants submit that: (1) the delay in responding to the non-final Office Action mailed July 31, 2002 was unintentional due to unintentional neglect by Minds@Work and subsequent unintentional failures by later assignees to update the correspondence address with the Patent and Trademark Office; (2) Applicants only became aware of the abandonment of this application in late May 2004 when current assignee Intelligent Technologies, Inc. investigated the status of this application; (3) the delay in discovering the abandoned status of the present application occurred despite due care of the assignees—the various assignees of the present application had insufficient notice of the status of the application due to the absence of a Notice of Abandonment in the file.

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Enclosed please find a check in the amount of \$665.00 for the petition fee set forth in § 1.17(m). The Commissioner of Patents is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-0639. A duplicate copy of this paper is enclosed.

Respectfully submitted,



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Brian M. Berliner  
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Date: July 1, 2004

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